

# Order

Michigan Supreme Court  
Lansing, Michigan

November 1, 2006

Clifford W. Taylor,  
Chief Justice

131406

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellant,

v

SC: 131406  
COA: 266959  
Kalamazoo CC: 04-002204-FH

CORAL EUGENE WATTS,  
Defendant-Appellee.

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On order of the Court, the application for leave to appeal the April 25, 2006 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE that portion of the Court of Appeals judgment that remands the case to the district court with directions to reconsider its bindover decision. Here, the Kalamazoo Circuit Court failed in its duty to determine whether the 8<sup>th</sup> District Court abused its discretion in ordering the case to be bound over. The circuit court erred in determining that a ground existed to dismiss or remand to the district court under MCR 6.110(H). The district court was not prohibited by MCR 6.110(D) from considering properly admitted other-acts evidence under MRE 404(b). Further, MCR 6.110(C) was not violated because the proceedings held in district court were conducted in accordance with the rules of evidence. Thus, we REMAND this case to the Kalamazoo Circuit Court for further proceedings as otherwise directed by the Court of Appeals.

We do not retain jurisdiction.



s1025

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 1, 2006

*Corbin R. Davis*

Clerk